

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ESTATE OF GERALDINE F.
JENNINGS, ROBERT J. JENNINGS,
CHERYL FAZO and KIM S. JENNINGS,

Plaintiffs,

v.

Case No.: 2:19-cv-72-FtM-38NPM

GULFSHORE PRIVATE HOME
CARE, LLC,

Defendant/Third Party
Plaintiff

CRIS-CAROL SAMUELS,

Third Party Defendant.

ORDER¹

Before the Court are Defendant Gulfshore Private Home Care, LLC's Motion for Reconsideration of the Court's August 21, 2020, order denying its third motion for summary judgment, or, alternatively, a motion for leave to file a motion for summary judgment ([Doc. 135](#)) and Plaintiffs' response ([Doc. 141](#)). The Court held a conference on September 21, 2020, to discuss Defendant's motion and the status of the case—all parties attended. ([Doc. 143](#)).

[Federal Rule of Civil Procedure 1](#) tasks federal district courts with "[securing] the just, speedy, and inexpensive determination of every action and proceeding." The

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Eleventh Circuit has stated “a district court retains the inherent authority to manage its own docket.” *Wilson v. Farley*, 203 F. App’x 239, 250 (11th Cir. 2006) (citing *Four Seasons Hotels and Resorts, B.V. v. Consorcio Barr S.A.*, 377 F.3d 1164, 1172 n.7 (11th Cir. 2004)).

The Court denied Defendant’s third motion for summary judgment because it violated [Local Rule 3.01\(a\)](#) and [Federal Rule of Civil Procedure 56\(c\)\(1\)\(A\)](#). Pertinent here, Local Rule 3.01(a) permits a single summary judgment motion per case; this rule conserves judicial resources and ensures the speedy resolution of litigation. The Court takes any party’s failure to comply with this rule seriously. Still, after further consideration and hearing the parties’ arguments at last week’s conference, the Court finds it is in the interests of judicial economy and the quick and speedy resolution of litigation to consider Gulfshore’s motion on the merits before trial, particularly when the issue will come up at trial. In addition, the Court reaches this decision because Plaintiffs have not demonstrated any way in which they are prejudiced if the Court grants this leave.

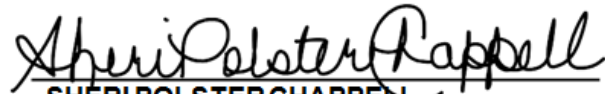
Accordingly, it is now

ORDERED:

1. Defendant Gulfshore Private Home Care, LLC’s motion for reconsideration or, alternatively, motion for leave to file a motion for summary judgment ([Doc. 135](#)) is **GRANTED in part and DENIED in part**. The motion is granted to the extent that Defendant may file another motion for summary judgment but is denied in all other respects.

2. Gulfshore may file a fourth motion for summary judgment, not to exceed 25 pages in length, on or before **October 2, 2020**. Plaintiffs must respond, not to exceed 20 pages in length, on or before **October 9, 2020**.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of September 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record